

CHAPTER 40-56 RESIDENTIAL PAVING PROJECTS

40-56-01. Definitions. As used in this chapter, unless the context or subject matter otherwise requires:

1. "Block of pavement" means the length of any street between two intersecting streets.
2. "Residential block" means any block in which sixty percent or more of the property abutting the street shall be residential property, such percentage to be computed by dividing the total front feet of residential property on both sides of the street by the total front feet of both sides of the street in said block.
3. "Residential paving project" means any paving project involving the pavement of any street or streets when seventy-five percent or more of the block of paving therein shall be residential block.
4. "Residential property" means and includes property actually used for residential purposes, all schools, churches, apartments, and the yards appurtenant thereto, vacant or unoccupied lots, and all other lots not actually used for or occupied by business or commercial structures or businesses.

40-56-02. Establishment of standards of paving. The governing body of any city may, by ordinance, establish standards of paving for residential areas which standards shall be uniform throughout the entire city, and said ordinance may be amended or repealed in the same manner as other ordinances of the city.

40-56-03. City may pay portion of cost. When any city has, by ordinance, established standards of paving for residential areas, the city as a whole, by action of its governing body, may pay not to exceed twenty percent of the cost of the paving, and if because of heavy traffic upon such street or for other valid reason, the governing board determines that the established standards should be exceeded in any portion of a residential paving project such percentage of the excess cost of paving as may be determined by action of the governing body shall be borne by the city as a whole.

40-56-04. Protests to bar improvements. If the city's total share of the costs equals or exceeds fifty percent of the entire cost of the project, the governing body may initiate, carry out, and construct the project, and special assessments may be levied against the benefited property in the manner provided by law, unless within thirty days after the first publication of the resolution declaring the work to be necessary, the owners of seventy-five percent or more, by area, of the property liable to be specially assessed for the improvement, shall file written protest against said improvement with the city auditor.

40-56-05. Special assessment procedure to be followed. The procedure set forth by chapters 40-22, 40-23, 40-24, 40-25, 40-26, 40-27, and 40-28 shall be followed in all proceedings for the initiating, advertising, and contracting for paving improvements under the provisions of this chapter, for levying special assessments against benefited property, and for paying the city's share of such special assessments.